



# TRANSMITTAL FORM

Application No.:	10/022,080
Filing Date:	December 31, 2001
Confirmation No.:	
First Named Inventor:	John Walton
Group Art Unit	2186
Examiner:	Elmore, Stephen C.
Customer No.	24227

Total Number of Pages in this Submission: 18

Docket No. EMC-01-153

## ENCLOSURES (check all that apply)

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889 (in duplicate) | <input type="checkbox"/> Assignment Recordation Cover Sheet   | <input checked="" type="checkbox"/> Copy of Original Petition to Revive of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate), Transmittal and Confirmation Report |
| <input checked="" type="checkbox"/> Response: Resubmission of Petition to Revive and Issue Fee Payment                          | <input type="checkbox"/> Declaration/Power of Attorney  | <input type="checkbox"/> Continued Prosecution Application (CPA)  |
| <input checked="" type="checkbox"/> Copy of Original Response w/Fax Cover sheet and Confirmation Report                         | <input type="checkbox"/> Associate Power of Attorney  | <input checked="" type="checkbox"/> Form PTOL-85B, Part B -Issue Fee Payment Transmittal," (in duplicate)   |
| <input checked="" type="checkbox"/> Copy of Communication from Special Program Manager  | <input type="checkbox"/> Revocation of Power of Attorney  | <input type="checkbox"/> Status Inquiry   |
| <input type="checkbox"/> Affidavits/Decl.   | <input type="checkbox"/> Formal Drawings  | <input checked="" type="checkbox"/> Certificate of Mailing or Transmission [37 CFR 1.8]   |
| <input type="checkbox"/> Extension of Time Request for 3 Months   | <input type="checkbox"/> Letter to Official Draftsperson with ___ sheets of Formal Drawings, Figs. 1 through __, labeled. | <input type="checkbox"/> Certificate of Express Mail Mailing  |
| <input type="checkbox"/> Information Disclosure Statement   | <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review"  | <input checked="" type="checkbox"/> Postcard  |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application   | <input type="checkbox"/> Certified Copy of Priority Document(s)   | <input type="checkbox"/> Additional Enclosures:   |

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Date

8/16/04

*Scott A. Ouellette*  
Scott A. Ouellette, Esq. (Reg. No. 38,573)  
EMC Corporation  
Office of the General Counsel  
176 South Street  
Hopkinton, MA 01748

Tel: (508) 293-7835

Fax: (508) 293-7189

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]

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- ☐ Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 746-4000.

Date

8/16/04

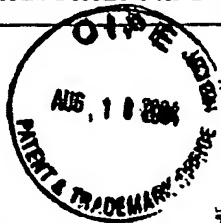
Signature

*Linda Valanzola*  
Linda Valanzola

Typed or printed name of person signing certificate



UNITED STATES PATENT AND TRADEMARK OFFICE



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TECHNOLOGY CENTER 2100

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Paper No. 6

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EMC Corporation  
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176 South Street  
Hopkinton, MA 01748

RECEIVED

JUL 06 2004

In re Application of: Walton et al.  
Application No. 10/022,080  
Attorney Docket No. EMC-01-153  
Filed: December 13, 2001  
For: METHOD AND SYSTEM FOR  
MAINTAINING DATA INTEGRITY  
USING DUAL WRITE OPERATIONS

)  
)  
) **RESPONSE TO APPLICANTS'**  
) **COMMUNICATION**  
)  
)  
)

EMC CORPORATION  
Intellectual Property Group  
Office of the General Counsel  
Legal Department

Applicants filed a letter on July 29, 2003 that only recently came to the attention of the Technology Center. The letter requested that certain remarks be entered into the application record relating to the examiner's statements made in a Notice of Allowability mailed on March 25, 2003. Specifically, applicants were responding to the examiner's requirement for drawing corrections.

The Office wishes to acknowledge receipt of the letter and to inform applicants that the letter is of record. However, a review of the application file shows the issue fee was due on June 25, 2003 and there is no record that applicants submitted payment during the statutory period. Therefore, the response filed July 29, 2003 does not change the status of the application as abandoned.

Applicants may wish to consider filing a petition under 37 CFR § 1.137 to revive the application. The application file will be retained in the Technology Center for two months from the mailing date of this letter and thereafter it will be returned to abandoned files. Telephone inquiries should be directed to the undersigned at (703) 308-0269.

Josie A. Ballato  
Special Programs Examiner  
Technology Center 2100  
Computer Architecture, Software, and Information Security

Notice of Allowability mailed on March 25, 2003. While the Special Programs Examiner indicated that the letter has been made of record, she indicated that, because the issue fee had not been paid by the June 24, 2003 deadline, the application had been abandoned. The Special Programs Examiner suggested that the applicants file a petition under 37 C.F.R. §1.137 to revive the application.

However, also included with the applicants' submission of July 29, 2003 was a Petition for Revival of an Unintentionally Abandoned Application under 37 C.F.R. §1.137(b), as well as an authorization for the Office to charge applicants' deposit account for the fees that were due. The documents were submitted to the Office by facsimile transmission. However, the Form PTOL-85B inadvertently was not included in the submission.

Applicants exercised due diligence in attempting to determine the status of the application after the filing of the Petition, and made several telephone calls to the Office, including telephone calls to a Mr. Fletcher in the Office of Petitions on March 4, 2004; to Ms. Beth Ann Dayoan in the Office of Petitions on March 28, 2004 and April 28, 2004; and to Mr. Pinchus Laufer in Technology Center 2100 on May 13, 2004.

Applicant hereby resubmits the Petition for Revival of an Unintentionally Abandoned Application under 37 C.F.R. §1.137(b) (Exhibit A), which was originally filed on July 29, 2003, as well as applicants' response to the examiner's statements made in the Notice of Allowability mailed on March 25, 2003 (Exhibit B). Applicant also submits the Form PTOL-85B and an authorization to charge applicants' deposit account for the petition fee and the issue fee.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (508)-293-7835.

Please charge any fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

8/16/04

Date

Scott A. Ouellette

Scott A. Ouellette, Esq.

Reg. No. 38,573

EMC Corporation

176 South Street

Hopkinton, MA 01748

Reg. No. 38,573

Telephone: (508)-293-7835

Facsimile: (508)-293-7189

# Confirmation Report - Memory Send

Time : Jul-29-2003 13:55  
Tel line : 5084976915  
Name : EMC LAW DEPARTMENT



Job number : 465  
Date : Jul-29 13:53  
To : 97033086816  
Document pages : 003  
Start time : Jul-29 13:53  
End time : Jul-29 13:55  
Pages sent : 003  
Status : OK

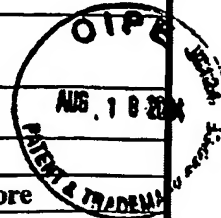
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\*\*\* SEND SUCCESSFUL \*\*\*

TRANSMITTAL FORM		Application No.:	10/022,080
		Filing Date:	12/13/2001
		Confirmation No.:	2897
		First Named Inventor:	Walton et al.
		Group Art Unit	2186
		Examiner:	Stephen Elmore
		Docket No.	EMC-01-153
Total Number of Pages in this Submission: 3			
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889	<input type="checkbox"/> Assignment Recordation Cover Sheet	<input checked="" type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application (27 CFR 1.137(b)) (in duplicate)	
<input type="checkbox"/> Amendment	<input type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Continued Prosecution Application (CPA)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Form PTOL-85B, Part B - Issue Fee Payment Transmittal (in duplicate)	
<input type="checkbox"/> Affidavit/Decl. Terminal Disclaimer	<input type="checkbox"/> Revocation of Power of Attorney	<input type="checkbox"/> Status Inquiry Certificate of First Class Mailing	
<input type="checkbox"/> Extension of Time Request for 3 Months	<input type="checkbox"/> Formal Drawings	<input type="checkbox"/> Certificate of Express Mail Mailing	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Letter to Official Draftsperson with 4 sheets of Formal Drawings, Figs. 1 through 4, labeled.	<input type="checkbox"/> Postcard	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review"	<input type="checkbox"/> Additional Enclosures:	
<input type="checkbox"/> Certified Copy of Priority Document(s)			
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
July 29, 2003 Date Scott A. Ovallette (Reg. No. 38,373) EMC Corporation Office of the General Counsel 176 South Street Hopkinton, MA 01748			
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.6]			
I hereby certify that this correspondence and the above-referenced documents are being:			
<input type="checkbox"/> Deposited with the United States Postal Service on the date shown below via First Class Mail in an envelope addressed to: Attn.: Official Draftsperson, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
<input checked="" type="checkbox"/> Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.			
7/29/03 Date		Brian Nguyen Signature Brian Nguyen Typed or printed name of person signing certificate	

# TRANSMITTAL FORM

Application No.: 10/022,080  
 Filing Date: 12/13/2001  
 Confirmation No.: 2897  
 First Named Inventor: Walton et al.  
 Group Art Unit: 2186  
 Examiner: Stephen Elmore  
 Docket No.: EMC-01-153



Total Number of Pages in this Submission: 3

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889  <input type="checkbox"/> Amendment  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/Decl. Terminal Disclaimer  <input type="checkbox"/> Extension of Time Request for 3 Months  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Recordation Cover Sheet  <input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Associate Power of Attorney  <input type="checkbox"/> Revocation of Power of Attorney <input type="checkbox"/> Formal Drawings <input type="checkbox"/> Letter to Official Draftsperson with 4 sheets of Formal Drawings, Figs. 1 through 4, labeled. <input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review" <input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate) <input type="checkbox"/> Continued Prosecution Application (CPA) <input type="checkbox"/> Form PTOL-85B, Part B -Issue Fee Payment Transmittal," (in duplicate)  <input type="checkbox"/> Status Inquiry <input type="checkbox"/> Certificate of First Class Mailing  <input type="checkbox"/> Certificate of Express Mail Mailing  <input type="checkbox"/> Postcard <input type="checkbox"/> Additional Enclosures:
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## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

July 29, 2003

Date

*Scott A. Ouellette*  
 Scott A. Ouellette (Reg. No. 38,573 )  
 EMC Corporation  
 Office of the General Counsel  
 176 South Street  
 Hopkinton, MA 01748

Tel: (508) 293-7835

Fax: (508) 293-7189

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]

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7/29/03

Date

Signature

Brian Nguyen

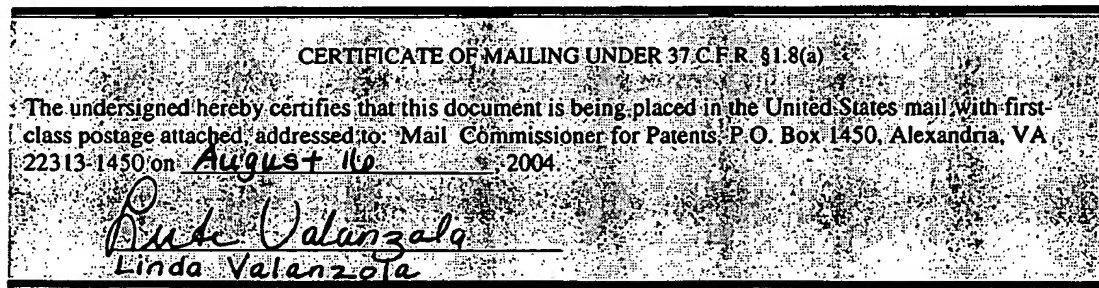
Typed or printed name of person signing certificate



United States Patent  
EMC-01-153  
U.S.S.N. 10/022,080

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>APPLICANT:</b>	Walton et al	<b>GROUP ART UNIT:</b>	2186
<b>U.S.S.N.:</b>	10/022,080	<b>EXAMINER:</b>	Elmore, Stephen C.
<b>FILING DATE:</b>	December 31, 2001	<b>CUSTOMER NO.</b>	<b>24227</b>
<b>TITLE:</b>	<i>Method and System for Maintaining Data Integrity Using Dual Write Operations</i>		



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESUBMISSION OF PETITION TO REVIVE  
AND ISSUE FEE PAYMENT**

Applicant recently received a communication from the Office mailed on July 2, 2004 indicating that a letter filed by the applicants on July 29, 2003 had only recently come to the attention of the Technology Center. The letter requested that certain remarks be entered into the application record relating to the examiner's statements made in a

DUPLICATE

PTO 5B/84 (05-03)

Approved for use through 04/30/2003 OMB-0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Walton et al.

Application No: 10/022,080

Art Unit: 2186

Filed: 12/13/2001

Examiner: Stephen Elmore

Title: Method and System for Maintaining Data Integrity Using Dual Write Operations

Attention: Office of Petitions  
Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916



NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-8282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity fee: \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity fee: \$ 1,300 \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Fee authorization on Transmittal Form \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee of \$ 1,300 \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

7/29/2003

Date

Signature

Telephone  
Number: (508) 293-7835

Scott A. Ouellette (Reg. No. 38,573)

Typed or printed name

EMC Corporation  
176 South Street

Address

Enclosures: ☒ Fee Payment

Hopkinton, MA 01748-9103

Address

☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Transmittal Form

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☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

7/29/2003

Date

Signature

Brian Nguyen

Type or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)****Docket Number (Optional)**

First named inventor: Walton et al.

Application No: 10/022,080

Art Unit: 2186

Filed: 12/13/2001

Examiner: Stephen Elmore

Title: Method and System for Maintaining Data Integrity Using Dual Write Operations

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

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- (2) Reply and/or issue fee.
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**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Fee authorization on Transmittal Form \_\_\_\_\_ (Identify type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B. The issue fee of \$ 1,300 \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_

☒ is enclosed herewith.

[Page 1 of 2]

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7/29/2003  
Date

Scott A. Ouellette  
Signature

Telephone Number (508) 293-7835

Scott A. Ouellette (Reg. No. 38,573)

EMC Corporation  
176 South Street

Address

Enclosures: ☒ Fee Payment

Hopkinton, MA 01748-9103

Address

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other Transmittal Form

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

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☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

7/29/2003  
Date

Brian Nguyen  
Signature

Brian Nguyen  
Type or printed name of person signing certificate